REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed on March 8, 2004.

In this Amendment, claims 99 and 101-105 are canceled (to expedite the prosecution), claims 96-98 and 100 are amended, and claims 106-109 are added, so that claims 96-98, 100, and 106-109 are pending.

Claims 99 and 101 are objected to in the Office Action. In response, claims 99 and 101 are canceled.

Also, in the Office Action, claims 96-105 are rejected as anticipated by Carl et al. (U.S. Patent No. 5,381,685). The cover of the Carl et al. patent indicates that it has an effective reference date of January 24, 1992, based on the filing date of abandoned U.S. Application No. 07/824,964.

The Examiner alleges that the Carl et al. patent is prior art under 35 USC § 102(e). However, it is not. 35 USC § 102(e) states:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent. (emphasis added.)

Carl et al. is not prior art under 35 USC § 102(e), since the application for the Carl et al. patent is in the current chain of priority. Applicants previously submitted a copy of the Official Filing Receipt in the present application with an Amendment After Final filed on April 19, 2004. The Filing Receipt indicates that the present application claims priority back to 07/824,964, filed on January 24, 1992. Thus, the earliest effective filing date for the present application is January 24, 1992. The Carl et al. patent is not prior art to the present application, since earliest effective reference date for Carl et al. is also January 24, 1992 (*i.e.*, the Carl et al. patent does not have a prior art date "before" Applicant's earliest effective priority date). Accordingly, the Carl et al. patent is not prior art since it has the same prior art date as the effective filing date of the present

application. Put another way, the Carl et al. patent was not filed "before" the invention thereof by the applicant for patent as required by 35 USC § 102(e).

In the Advisory Action mailed on May 26, 2004, the Examiner states that the inventorship has changed and that the record does not clearly set forth what was invented by each applicant to withdrawal the Carl et al. patent as prior art.

In response, Applicants submit that for the reasons argued above and irrespective of the Examiner's requested information, the Carl et al. patent is not prior art under 35 USC § 102(e).

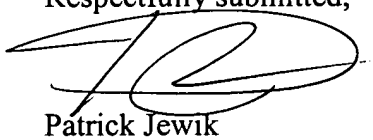
Also in the Advisory Action, the Examiner notes that the embodiments of Figures 14-15 have been elected.

In view of this statement, the Examiner may be interpreting the claims as being limited to the embodiments shown in FIGS. 14 and 15, because these Figures may have been discussed in a past election of species requirement (see Office Action mailed on April 13, 2001). However, Applicants submit that even if a species of invention was elected for examination, Applicants are permitted to try and patent broader, generic claims. See, for example, MPEP § 809.02(b). Accordingly, Applicants submit that the elected species in the present application is not germane to the issue of whether or not Carl et al. is prior art under 35 USC § 102(e).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. *If the Examiner believes that it would be productive to work out mutually acceptable claim language, the Examiner is requested to call the undersigned at 415-576-0200.*

Respectfully submitted,



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